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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,851	10/25/2001	Wolf-Dieter R. Berndt	01/0925	5032
7590	03/01/2004		EXAMINER	
Herbert C. Schulze 2790 Wronde Way, PMB36 Reno, NV 89502			EINSMANN, MARGARET V	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,851

Applicant(s)

BERNDT ET AL.

Examiner

Margaret Einsmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's election of the group 1 claim, Claim 1. Applicant's election without traverse of Group I in the Paper dated 10/20/2003 is acknowledged. Claims 2 and 3 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berndt et al., US 6,086,635.

Applicant's basic process as claimed in a conventional process that dry cleaning establishments have been employing for many years. The use of organosilicone solvents in the process of dry cleaning garments which have been brought to consumer dry cleaning establishments is known from Berendt, '635 as well as Berendt's other patents noted in the first paragraph of the specification. In the '635 patent Berendt discloses a method of dry cleaning with silicone solvents using a dry cleaning machine adapted for use with organosilicone solvents. Berendt explains in detail the difference between the organosilicone solvents and the prior art PERC and hydrocarbon solvents,

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and gives explicit details concerning the requirements for a dry cleaning machine for use with silicone solvents. See column 3 lines 5-12 for the prior art gravity separators, and the next two paragraphs where he explains the changes he has made in the new dry cleaning system to accommodate the specific gravity of organosilicone solvents. Column 4 lines 16 et seq. teaches the filtration systems compatible with organosilicone solvents.

Berndt differs from the claimed subject matter since he does not use a converted dry cleaning machine in his dry cleaning method. The subject matter would have been obvious to the skilled artisan reading the Berndt patent because that patent discloses in detail the requirements, including separation and filtration systems for use with organosilicone solvents, and he describes how his new dry cleaning apparatus differs from the conventional dry cleaning apparatus. He not only describes the differences between the PERC solvents and the organosilicone solvents in terms of their density, but he also describes the problem of the organosilicone fluids forming globules, which means that a different separation and filtration system is necessary. Accordingly Berndt describes the problems of changing from a PERC dry cleaning system to an organosilicone dry cleaning system in such detail that an engineer familiar with dry cleaning equipment, reading this patent would have the knowledge to convert a PERC dry cleaning apparatus to a system that could be used successfully with organosilicone solvents.

Claim Objections

Claim 1 objected to because of the following informalities: The first word of the claim "The" should be replaced with "A".

Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995).

Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR 1.75(i).

There may be plural indentations to further segregate subcombinations or related steps. Claim 1 should be written in the format as indicated above.

The examiner also suggests that the tense of each step is made uniform. While the last two lines are not indefinite, the term "treated as necessary ... as will be known to those skilled in the art" should be replaced by a form such as, "treated to remove lint and/or pressed as is necessary."

The single bracket on line 10 is unnecessary and should be removed.

Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.



Margaret Einsmann
Primary Examiner
Art Unit 1751

February 23, 2004